

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**January 2, 2013**

**Elisabeth A. Shumaker  
Clerk of Court**

JOE FITZ, META FITZ,

Plaintiffs - Appellants,

v.

TOWN OF SHATTUCK, a municipality;  
LAKE INSURANCE AGENCY, INC., a  
Oklahoma corporation; MELISSA BURK,  
an individual insurance agent,

Defendants - Appellees.

No. 12-6279  
(D.C. No. 5:11-CV-00937-HE)

**ORDER**

This matter is before the court on Appellants' failure to file the preliminary documents necessary to perfect this appeal. The court previously identified the deficiencies in a deficiency notice and an order. Appellants have not corrected the identified deficiencies or otherwise responded to the court's notice and order. As a result, the captioned appeal is dismissed for lack of prosecution pursuant to 10th Cir. R. 3.3(B) and 10th Cir. R. 42.1.

Appellants are reminded that the appellate filing fee remains due. Fed. R. App. P. 3(e).

Counsel is cautioned that, in the future, failure on the part of counsel to respond to the notices and orders of this court may result in immediate referral to a disciplinary panel without further notice.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro  
Counsel to the Clerk